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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,464	12/13/2000	Thorsten Laux	P-4589	9684

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Forrest Gunnison  
Gunnison, McKay & Hodgson, L.L.P.  
Suite 220  
1900 Garden Road  
Monterey, CA 93940

EXAMINER

BROSS, EDWARD J

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/738,464

Applicant(s)

LAUX, THORSTEN

Examiner

Edward Bross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-17 are pending in this application.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 5, 8, 10, 12, 15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. As to claims 3, 8, 12, and 15, it is unclear what is meant by “merging data source” (i.e., is one of the data sources recursively of the same type as the method described in the base claims?).

- b. As to claims 5, 10, and 17, it is unclear whether “said API” refers to the API used to access each driver or a different API used to access the merging driver.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Harris (5,475,836).

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5. As to claims 1, 6, 11, and 13, Harris teaches the invention as claimed including a method for enabling access of a plurality of data sources by a single access operation wherein each data source in said plurality of data sources requires a separate driver to access the data source so that there is a plurality of separate drivers (Abstract, Fig. 1), said method comprising:

using an API for each driver in said plurality of separate drivers, wherein said API is substantially identical for each of said drivers in said plurality of separate drivers (6(M) Fig. 1; col.1, lines 45-60; col. 4, lines 28-29); and

receiving said single access operation by a merging driver (2, Fig. 1) wherein in response to said single access operation, said merging driver accesses each driver in said plurality of separate drivers through said API (col. 3, lines 23-26).

6. As to claims 2, 7, and 14, Harris teaches the invention as claimed including:

receiving from a user a selection of each data source to be included in said plurality of data sources (col. 4, lines 6-18).

7. As to claims 3, 8, 12, and 15, Harris teaches the invention as claimed including that one data source in said plurality of data sources is a merging data source (col. 4, lines 8-9 each driver merges results from a plurality of databases).

8. As to claims 4, 9, and 16, Harris teaches the invention as claimed including:

obtaining an ordered result in response to said single access operation (col. 19, line 55 – col. 20, line 8).

9. As to claims 5, 10, and 17, Harris teaches the invention as claimed including:

accessing said merging driver through said API (2, Fig. 1).

10. Claims 1, 6, 11, and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tabuchi (WO 97/33239).

11. As to claims 1, 6, 11, and 13, Harris teaches the invention as claimed including a method for enabling access of a plurality of data sources by a single access operation wherein each data source in said plurality of data sources requires a separate driver to access the data source so that there is a plurality of separate drivers (712-714, Fig. 1), said method comprising:

using an API for each driver in said plurality of separate drivers, wherein said API is substantially identical for each of said drivers in said plurality of separate drivers (p. 3, line 32); and

receiving said single access operation by a merging driver (720, Fig. 1) wherein in response to said single access operation, said merging driver accesses each driver in said plurality of separate drivers through said API (p.8, lines 6-17).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Bross whose telephone number is 305-8754. The examiner can normally be reached on Mon-Fri 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MENG-AI T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100